

On May 20, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 sacks of apple chops at Pittsburgh, Pa., alleging that the article had been shipped on or about April 20, 1933, by Leroy Cold Storage & Produce Co., from Lockport, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health. Adulteration was alleged for the further reason that the product consisted in part of a filthy vegetable substance.

On June 22, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21286. Misbranding of cider vinegar. U. S. v. 35 Cases of Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30510. Sample no. 42049-A.)

This case involved an interstate shipment of bottled cider vinegar, sample bottles of which were found to contain less than 1 pint, the declared volume.

On June 1, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of cider vinegar at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about February 16, 1932, by Paxton & Gallagher, from Yakima, Wash., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Kamo Pure Cider Vinegar Contents One Pint Paxton and Gallagher Co. Omaha", were false and misleading and deceived and misled the purchaser, since the bottles contained less than 1 pint. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 19, 1933, the Paxton Gallagher Co., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant under bond, conditioned that it be relabeled under the supervision of this Department and that the claimant pay the costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

21287. Adulteration and misbranding of tomato paste. U. S. v. 41 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30549. Sample no. 32598-A.)

This case involved a shipment of alleged tomato paste that consisted of a tomato product insufficiently concentrated to be labeled tomato paste. The article also contained excessive mold.

On June 8, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cases of tomato paste at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about October 19, 1932, by the Marlboro Canning Corporation, from Marlboro, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Lola Brand Tomato Paste * * * Salsa di Pomodoro Packed * * * By The Marlboro Canning Corp. Marlboro, N.Y."

It was alleged in the libel that the article was adulterated in that a substance, an insufficiently condensed strained tomato product, had been substituted for tomato paste. Adulteration was alleged for the further reason that the article consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements on the label, "Tomato Paste. * * * Salsa di Pomodoro", were false and misleading and deceived and misled the purchaser when applied to an artificially colored product containing less tomato solids than tomato paste. Misbranding was